

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOAN M. MAVRINAC, M.D., M.PH.,)
)
Plaintiff,)
)
v.) No. 04-CV-01880
) Judge Nora Barry Fischer
)
EMERGENCY MEDICINE)
ASSOCIATION OF PITTSBURGH)
(EMAP), MERCY HOSPITAL OF)
PITTSBURGH, PITTSBURGH MERCY)
HEALTH SYSTEM, and BRUCE A.)
MACLEOD, M.D., FACEP,)
INDIVIDUALLY and IN HIS OFFICIAL)
CAPACITY,)
)
Defendants.)

ORDER OF COURT

AND NOW, this 3rd day of July, 2007, upon consideration of Defendants The Mercy Hospital of Pittsburgh and Pittsburgh Mercy Health System's (the "Mercy Defendants") Motion to Compel Production of the Settlement Agreement Between Plaintiff and Defendants Emergency Medicine Association of Pittsburgh and Bruce A. McLeod, M.D. ("Motion to Compel") (Document Nos. 90), and responses thereto (Document Nos. 94, 95), this Court ORDERS as follows:

The Mercy Defendants fail to demonstrate a heightened showing of relevance or need to discover the settlement agreement by and between Plaintiff Joan M. Mavrinac and Defendants Emergency Medicine Association of Pittsburgh ("EMAP") and Bruce A. Macleod, M.D. ("MacLeod") sufficient to overcome the parties' agreement for confidentiality of the settlement.

Doe v. Methacton School District, 164 F.R.D. 175, 176 (E.D. Pa. 1995). The Mercy Defendants' broad assertions that the settlement agreement is relevant to their substantive defenses and necessary for pretrial preparation, including motions, and trial as well, are insufficient to demonstrate the relevance of the settlement agreement. *Id.* at 176-177. Moreover, having reviewed the settlement agreement *in camera*, this Court finds that discovery of the settlement agreement would not advance the broadly defined needs articulated by The Mercy Defendants in the Motion to Compel, and therefore, discovery of the settlement agreement is not required at this time.

The Court reserves judgment on the issue of The Mercy Defendants' entitlement to any setoff and/or contribution claims against EMAP and MacLeod, as set forth in The Mercy Defendants' Motion to Compel at paragraph 3 (Document No. 90). The Mercy Defendants may raise this argument at trial of this action.

Accordingly, The Mercy Defendants' Motion to Compel is DENIED.

BY THE COURT:

s/ Nora Barry Fischer

Nora Barry Fischer
United States District Judge

cc: counsel of record